

WDL 1613

JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

JUN 21 2004

RELEASED FOR PUBLICATION

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BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

IN RE NIGERIA CHARTER FLIGHTS CONTRACT LITIGATION

**BEFORE WM. TERRELL HODGES, CHAIRMAN, JOHN F. KEENAN,
BRUCE M. SELYA, D. LOWELL JENSEN, J. FREDERICK MOTZ, ROBERT
L. MILLER, JR., AND KATHRYN H. VRATIL, JUDGES OF THE PANEL**

TRANSFER ORDER

This litigation presently consists of eight actions: five actions in the Eastern District of New York and one action each in the Northern District of Georgia, the Northern District of Illinois and the Southern District of New York. Before the Panel is a motion, pursuant to 28 U.S.C. § 1407, by defendant World Airways, Inc. (World) to centralize these actions in the Eastern District of New York for coordinated or consolidated pretrial proceedings. Plaintiffs in three Eastern New York actions neither support nor oppose centralization; if the Panel deems centralization appropriate, these plaintiffs support selection of the Eastern New York court as transferee district. The Illinois and Georgia plaintiffs oppose centralization; if the Panel deems centralization appropriate, they suggest selection of the Northern District of Illinois as transferee district.

On the basis of the papers filed and hearing session held, the Panel finds that the actions in this litigation involve common questions of fact, and that centralization in the Eastern District of New York will serve the convenience of the parties and witnesses and promote the just and efficient conduct of the litigation. All actions share factual questions arising out of the failure of Ritetime Aviation and Travel Services, Inc., and/or World to provide air transportation for plaintiff ticket holders in 2004 between the United States and Nigeria. Centralization under Section 1407 is necessary in order to eliminate duplicative discovery, prevent inconsistent pretrial rulings, and conserve the resources of the parties, their counsel and the judiciary.

We are persuaded that the Eastern District of New York is an appropriate transferee district for this litigation. We note that i) five of the eight actions in this litigation are pending there; and ii) pretrial proceedings are already underway in these actions.

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IT IS THEREFORE ORDERED that, pursuant to 28 U.S.C. § 1407, the actions on the attached Schedule A and pending outside the Eastern District of New York are transferred to that district and, with the consent of that court, assigned to the Honorable Raymond J. Dearie for coordinated or consolidated pretrial proceedings with the actions pending there.

FOR THE PANEL:

A handwritten signature in black ink, appearing to read "Wm. Terrell Hodges", written over a horizontal line.

Wm. Terrell Hodges
Chairman

SCHEDULE A

MDL-1613 -- In re Nigeria Charter Flights Contract Litigation

Northern District of Georgia

Oluropo Ayeni, et al. v. Ritetime Aviation & Travel Services, Inc., et al.,
C.A. No. 1:04-631

Northern District of Illinois

Ayodeji Adeusi, et al. v. World Airways, Inc., et al., C.A. No. 1:04-508

Eastern District of New York

Dr. Obiora Anyoku, et al. v. World Airways, Inc., et al., C.A. No. 1:04-304
Ijeoma Mba, et al. v. World Airways, Inc., et al., C.A. No. 1:04-473
Anthonia James v. World Airways, Inc., et al., C.A. No. 1:04-514
Edmund Orok Edem v. World Airways, Inc., et al., C.A. No. 1:04-605
Mabel Inim, et al. v. World Airways, Inc., et al., C.A. No. 1:04-791

Southern District of New York

Godson Ezejiofor v. World Airways, Inc., et al., C.A. No. 1:04-1439